

FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

AUG 11 2004

OFFICE OF
MANAGING DIRECTOR

William T. Newborg
Vice President/GM
First Commonwealth Cablevision, Ltd.
Post Office Box 1147
Saluda, Virginia 23149

Re: First Commonwealth Cablevision, Ltd.
FY 2003 Regulatory Late Charge Penalty
Fee Control No. 00000RROG-04-061

Dear Mr. Newborg:

This is in response to your request dated May 24, 2004, filed on behalf of First Commonwealth Cablevision, Ltd. (First Commonwealth), that the Office of Managing Director (OMD) reconsider its decision denying First Commonwealth a waiver of the \$851.46 late charge penalty for late payment of the fiscal year (FY) 2003 regulatory fee. See Letter from Mark A. Reger, Chief Financial Officer, Office of Managing Director, to William T. Newborg (dated May 10, 2004) (*First Commonwealth Letter*). Our records reflect that you paid the \$851.46 late charge penalty.

In your initial waiver request, you stated that First Commonwealth mailed its FY 2003 regulatory fee on September 19, 2003, well in advance of the September 25, 2003 regulatory fee filing deadline, but that you believed that the Commission's receipt of the payment was delayed due to power outages and other infrastructure damage in the area caused by Hurricane Isabel the day before. You stated that First Commonwealth mailed its check on this date even though its office was operating on minimal backup power for nine days following the hurricane and employees were working extended hours to restore services to customers.

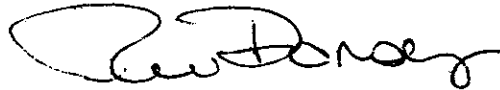
In the *First Commonwealth Letter*, OMD denied First Commonwealth's request for a waiver of the late charge penalty. OMD explained that the Communications Act of 1934, as amended, requires the Commission to assess a late charge penalty of 25 percent on any regulatory fee not paid in a timely manner. OMD stated that it is the obligation of the licensees responsible for regulatory fee payments to ensure that the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. OMD found that First Commonwealth's request did not indicate or substantiate that it

met this obligation.¹ OMD therefore denied First Commonwealth's waiver request and stated that the \$851.46 late charge penalty should be submitted within 30 days of the date of the letter. First Commonwealth paid the late charge penalty.

In your petition for reconsideration, you raise the same arguments in support of First Commonwealth's request for waiver of the late charge penalty for late payment of the fiscal year 2003 regulatory fees that you raised in your initial March 10, 2004 waiver request. Specifically, you state that "[w]e believe our position was fairly stated in our previous correspondence and that we made every possible effort to make timely payment of the regulatory fee." We find that OMD's decision in the *First Commonwealth Letter* denying First Commonwealth's waiver request was correct and that you have provided no additional justification for a reversal of that decision. We therefore deny your request for reconsideration with respect to waiver of the late charge penalty. See 47 C.F.R. §1.106; *McLeodUSA Telecommunications Services, Inc.*, 19 FCC Rcd 6587, paras. 7-8 (2004) (denying application for review requesting waiver of the late charge penalty for late payment of FY 2002 regulatory fees).

If you have any questions concerning this matter, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark A. Reger", with a stylized flourish at the end.

Mark A. Reger
Chief Financial Officer

¹ OMD also noted that section 1.1158 of the Commission's rules, 47 C.F.R. §1.1158, permits payment of regulatory fees by means other than mailing, such as electronic transfer.

00000RR06-94-061



CABLE VISION

The Sight ● The Sound ● The Future
P.O. Box 1147 Saluda, Virginia 23149

RECEIVED & INSPECTED

JUN 2 2004

FCC - MAILROOM

2004 JUN -2 P 3:00

FINANCIAL OPERATIONS
CENTER

rm
6/18/04
cep

May 24, 2004

Mr. Mark A. Reger
Chief Financial Officer
Office of Managing Director
Federal Communications Commission
Washington, D.C. 20554

**RE: Request for Waiver of FY 2003 Regulatory Late Fee (Fee Control No. 00000RR0G-04-050)
On Bill No. 0420000441 (25% late penalty for 2003 annual regulatory fee)
First Commonwealth Cablevision, Ltd.**

Dear Mr. Reger:

I am in receipt of your May 10, 2004 letter advising us that our request to waive the assessed late fee in the amount of \$851.46 has been denied.

Enclosed is our check in the amount of \$851.46 as payment in full of the late charge as referred to on Bill No. 0420000441.

We believe our position was fairly stated in our previous correspondence and that we made every possible effort to make timely payment of the regulatory fee.

Please be advised that we make this payment of the late charge in protest and we request a re-consideration of the matter and a refund of the late fee.

Sincerely,

William T. Newborg
William T. Newborg
Vice President/GM

cc: Donald A. Perry
President

WTN/rm

JUN 18 2004

**Federal Communications Commission
BILL FOR COLLECTION**

FOR INQUIRIES CALL
1-202-418-1995
(Revenue & Receivable Ops Group)

Bill Number		Current Bill Date
0420000441		2/07/04
PAYER FRN#	APPLICANT FRN#	
0005013909	0005013909	

First Commonwealth Cablevision, Ltd.
126 Urbanna Road
P.O. Box 1147
Saluda, VA 231491147

Payable to:
Federal Communications Commission
Send a copy of this bill to:
Federal Communications Commission
REVENUE & RECEIVABLE OPER.
P.O. BOX 350340
PITTSBURGH, PA 15251-0340

Total Amount Due		Due Date
\$851.46	Total Amount Due Must Be Received By	11/07/03

SPECIAL INSTRUCTIONS (OPTIONAL)

PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED

Assess penalty for late regulatory fee payment not received by 09/25/03

FCN: 0310078835154006 CALL SIGN: VA0341

PAYER ADDRESS: First Commonwealth Cablevision, Ltd.
126 Urbanna Road
P.O. Box 1147
Saluda, VA 231491147

Please write your bill number on your remittance.
Please attach a copy of this bill to your payment to ensure proper credit.

PTC	Quantity	Fee Due
0399	1	\$851.46
Total Due		\$851.46

Payment Method: ☐ Check ☐ (Attach)
☐ Credit Card ☐ (Complete Below)

- ☐ MasterCard
 ☐ American Express
☐ VISA
 ☐ Discover

Account No:

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Expiration:

Month		Year	

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.
 AUTHORIZED SIGNATURE _____ DATE _____

AR012-A
7/27/2004
16:44:41

RAMIS ACCOUNTS RECEIVABLE - (c) DSG, Inc.
RECEIPTS DETAIL REPORT
SORTED BY TRANSACTION DATE, CD No., FEE CONTROL No.

PAGE 1
7/27/2004
16:44:41

CD No.	CD DATE	FEE CONTROL No.	FRN	PAYER NAME	TRANSACTION DATE	RECEIPT AMOUNT
561021	6/23/04	0406238340407001A	0005013909	First Commonwealth Cablevision	7/13/04	\$851.46

Billing No. 0420000441 Seq: 1 Call Sign: FCC Code 1: FCC Code 2: Tin Number:
PTC: 0399 QTY: 1 Applied Amt: 851.46
Applicant Name:
Address:

Total Applied: \$851.46 Total Receipt: \$851.46



Non-Public For Internal Use Only

RAMIS ACCOUNT RECEIVABLES**Check Number Query Report**Page 1 of 1
Tuesday, July 27, 2004 04:44 PM

FEE Control Number : 0406238340407001

Customer FRN : 0005013909

FRN Name : First Commonwealth Cablevision,
Ltd.

Check Number : 196410000000

Receipt Amount : \$0.00

Date Received : 06/22/2004

Bill Processing

Document Number 0420000441

FRN 0005013909

First Commonwealth Cablevision, Ltd.

F1 NEXT

F9 EXIT

7/27/2004 ARIPNLD

RANIS ACCOUNTS RECEIVABLE SUBSYSTEM

(c) DSG, Inc.

Add/Modify Billing Information

Document Number 0420000441

FRN 0005013909

First Commonwealth Cablevision, Ltd.

Bill Date 10/08/03 Bill Amount \$851.46

Bill Type FINE Bill Paid \$851.46

Bill Due Date 11/07/03 Lockbox Bill Balance Due \$0.00

Dunning Indicator Bill Cycle Interest Due \$0.00

Referral Code Waiver Penalty Due \$0.00

Print Seq # 00022956 Waiver Date Admin Chg Due \$0.00

Transaction Date 07/27/04 Acct Period 10 Total Due \$0.00

Bill Description Assess penalty for late regulatory fee

Line Item Sequence 001 BFY FUND PROG ORG PROJ BOC TYPE

Accounting Classification Code 2004 06 90 9500 065 0199

Product No. 0399 Quantity 1 Item Amount \$851.46

Document Status Call Sign Item Paid \$851.46

Transaction Code Item Balance Due \$0.00

Reference Type Reference No. 0310078835154006 Line 001

Bureau File No. 20 FCC Code 1

Item Description payment not received by 09/25/03

Py Days 360 Rate 0.00

FCC Code 2

F1 NEXT F2 PREV F3 VERIFY T4 CRM

F6 SAVE F8 BACK F9 EXIT

7/27/2004 ARIPNL2